

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REXON INDUSTRIAL CORPORATION,
LTD.,

Plaintiff,

v.

PORter-CABLE CORPORATION,
DELTA INTERNATIONAL MACHINERY
CORP., BLACK & DECKER, INC. and
BLACK & DECKER (U.S.), INC.,

Defendants.

BLACK & DECKER INC., BLACK &
DECKER (U.S.) INC., PORter-CABLE
CORPORATION and DELTA
INTERNATIONAL MACHINERY,

Plaintiffs-in-Counterclaim,

v.

REXON INDUSTRIAL CORPORATION,
LTD.,

Defendant-in-Counterclaim.

BLACK & DECKER INC., BLACK &
DECKER (U.S.) INC., PORter-CABLE
CORPORATION and DELTA
INTERNATIONAL MACHINERY,

Third-Party Plaintiffs,

v.

REXON USA CORPORATION,

Third-Party Defendant.

Civil Action No. 04-CV-30180-MAP

STIPULATED ORDER OF DISMISSAL

This action has come before the Court, upon the pleadings and proceedings of record, and it has been represented to the Court that Rexon Industrial Corporation, Ltd., Rexon USA Corporation, Black & Decker Inc., Black & Decker (U.S.) Inc., individually and d/b/a Porter-Cable Corporation and Delta International Machinery Corporation, have entered into a Settlement Agreement ("Agreement") and have agreed to a compromise and settlement of this Civil Action and all claims, defenses and counterclaims that were or could have been brought in this Civil Action.

WHEREFORE, with the consent of the parties, through their undersigned attorneys, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Black & Decker represents that Porter-Cable Corporation no longer exists as a separate corporate entity because it was acquired and subsumed by Black & Decker (U.S.) Inc., which continues to use the Porter-Cable trademark and operates as d/b/a Porter-Cable for certain purposes.
2. Rexon represents that Rexon USA Corporation was formerly a Massachusetts corporation, having a principal place of business at 3 Craftsman Road, East Windsor, Connecticut, but which no longer exists as a separate corporate entity as it was subsumed by Rexon Industrial, Inc. as of January 1, 2006.
3. All claims, defenses and counterclaims that were or could have been made by and between the parties relating to this Civil Action are hereby dismissed with prejudice.
4. Each party shall bear its own costs and attorneys' fees.
5. This Court retains jurisdiction over the parties for the purpose of enforcing the Agreement between them relating to this Civil Action or any action relating to the enforcement of this Order.

SO ORDERED:

Dated:

United States District Judge

STIPULATED AND AGREED TO:

On behalf of Rexon Industrial Corporation,
Ltd. and Rexon USA Corporation:

On behalf of Black & Decker Inc., Black &
Decker (U.S.) Inc., individually and d/b/a/
Porter-Cable, and Delta International
Machinery Corporation:

/s/ Kevin H. Vanderleeden

(signed with permission)

J. Kevin Grogan (BBO # 635089)
Email: grogan@ip-lawyers.com
Arthur F. Dionne (BBO # 125760)
Email: dionne@ip-lawyers.com
Kevin H. Vanderleeden (BBO # 648361)
Email: vanderleeden@ip-layers.com
Donald J. MacDonald (BBO# 644582)
Email: macdonald@ip-lawyers.com
MCCORMICK, PAULDING & HUBER LLP
1350 Main Street, 5th Floor
Springfield, Massachusetts 01103
Phone: (413) 736-5401
Facsimile: (413) 733-4543

/s/ Raymond P. Niro, Jr.

Raymond P. Niro
Email: rniro@nshn.com
Raymond P. Niro, Jr.
Email: rnirojr@nshn.com
Christopher J. Lee
Email: lee@nshn.com
Richard B. Megley, Jr.
Email: megleyjr@nshn.com
Dina M. Hayes
Email: hayes@nshn.com
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602-4515
Phone: (312) 236-0733
Facsimile: (312) 236-3137

C. Jeffrey Kinder (BBO# 563890)
Email: kinder@fierstpucci.com
FIERST, PUCCI & KINDER LLP
64 Gothic Street, Suite 4
Northampton, Massachusetts 01060
Phone: (413) 584-8067
Facsimile: (413) 585-0787